

1
2
3
4 RONALD WILLIAM GILL,
5 Plaintiff,
6 v.
7 RONALD ALBERS, et al.,
8 Defendants.

9 Case No. 15-cv-00173-JST
10
11

**ORDER DISMISSING AMENDED
COMPLAINT UNDER 28 U.S.C. §
1915(E)(2)(B)**

Re: ECF No. 15

12 Pro se Plaintiff Ronald William Gill previously filed a complaint, ECF No. 1, and an
13 application to proceed in forma pauperis. ECF No. 2. Judge Spero granted the motion for leave to
14 proceed in forma pauperis, ECF No. 6, but issued a report and recommendation that recommended
15 that the Court dismiss the complaint pursuant to 28 U.S.C. 1915. ECF No. 7. Because Plaintiff
16 declined to consent to magistrate jurisdiction pursuant to 28 U.S.C. 636(c), the case was
17 reassigned to the undersigned. The Court adopted the report and recommendation in full and
18 dismissed the complaint with leave to amend. ECF No. 13.

19 Plaintiff has now filed an Amended Complaint. ECF No. 15. The Amended Complaint
20 fails to address the deficiencies enumerated in Judge Spero's thorough report and
21 recommendation. The Court still cannot discern an arguable basis in law or fact from the
22 complaint, see Jackson v. Arizona, 885 F.2d 639, 640-41 (9th Cir. 1999), superseded by statute on
23 other grounds as stated in Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir.2000). The Court
24 therefore dismisses the Complaint with prejudice pursuant to Federal Rule of Civil Procedure
25 41(b).

26 ///

27 ///

28 ///

The Court also denies Plaintiff's Motion for Permission for Electronic Case Filing, ECF No. 3, as moot. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: March 26, 2015

JON S. TIGAR
United States District Judge

United States District Court
Northern District of California